

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MOSAID Technologies Incorporated,

Plaintiff,

v.

Dell, Inc. et al.,

Defendants.

Civil Action No.
2:11-cv-00179

JURY TRIAL DEMANDED

ORDER

After full consideration of Plaintiff MOSAID Technologies Incorporated's objections to, and motion for reconsideration of, the Magistrate Judge's Memorandum Opinion and Order regarding claim construction, the Court has determined that the Motion should be GRANTED in its entirety. Accordingly, IT IS HEREBY ORDERED that:

1. With respect to the claim phrase "plurality of signaling modes," and the two related phrases "first mode and a second mode" and "first mode and at least one second mode," the Court modifies the claim construction to remove the reference to a "symbol rate." The Court adopts the claim construction for these claim phrases proposed by MOSAID as shown at pages 13-14 of the Memorandum Opinion (ECF No. 512).

2. The Court declines to adopt the following statement from page 18 of the Memorandum Opinion: "However, given the Court's construction of 'signaling modes,' an

OFDM transmission of a frame's preamble and its payload do not constitute 'a plurality of signaling modes.' Both the frame preamble and its payload would be in an OFDM transmission at a single symbol rate (i.e., one signaling mode)."

3. With respect to the "first [second] receiving means" claim phrases, the Court removes the "DQPSK receiver 215" and "non-data detection 210" language from the claim construction provided on page 45 of the Memorandum Opinion.

4. With respect to the "delaying transmission of a third data frame from the first station during a second time period" claim phrase, the Court removes the "after every transmission" language from the claim construction provided on page 48 of the Memorandum Opinion.

5. The Court adopts each of MOSAID's proposed constructions for the claim phrases identified in Section III(D) of MOSAID's brief.